

SENATE BILL 2791

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to citizenship status.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Taxpayer and Citizen Protection Act".

SECTION 2. The general assembly finds that illegal immigration is causing economic hardship to this state and that illegal immigration is encouraged by public agencies within this state that provide public benefits without verifying immigration status. The general assembly further finds that illegal immigrants have been given a safe haven in this state with the aid of identification cards that are issued without verifying immigration status, and that this conduct contradicts federal immigration policy, undermines the security of our borders and demeans the value of citizenship. Therefore, the people of this state declare that the public interest of this state requires all public agencies within this state to cooperate with federal immigration authorities to discourage illegal immigration.

SECTION 3. Tennessee Code Annotated, Title 4, is amended by adding the following new, appropriately designated section:

(a) Any agency of this state and any of its political subdivisions, including local governments, that are responsible for the administration of state and local public benefits that are not mandated by federal or constitutional law shall do the following:

(1) Verify the identity of each applicant for those benefits and verify that the applicant is eligible for benefits as prescribed by this section;

(2) Provide any other employee of this state or any of its political subdivisions with information to verify the immigration status of any applicant for

those benefits and assist the employee in obtaining that information from federal immigration authorities;

(3) Refuse to accept any identification card issued by the state or any political subdivision of this state, including a driver license, to establish identity or determine eligibility for those benefits unless the issuing authority has verified the immigration status of the applicant; and

(4) Require all employees of the state and its political subdivisions to make a written report to federal immigration authorities for any violation of federal immigration law by any applicant for benefits that is discovered by the employee.

(b) Failure to report discovered violations of federal immigration law by an employee is a Class A misdemeanor. If that employee's supervisor knew of the failure to report and failed to direct the employee to make the report, the supervisor is guilty of a Class A misdemeanor.

(c) This section shall be enforced without regard to race, religion, gender, ethnicity or national origin. Any person who is a resident of this state shall have standing in any court of record to bring suit against any agent or agency of this state or its political subdivisions to remedy any violations of any provision of this section. Courts shall give preference to actions brought under this section over other civil action or proceeding pending in the court.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2008, the public welfare requiring it.